

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6670 of 2024

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M/s Mahavir Construction having its Registered Office at Chauthiya, Taripar, Maner Telpa, Bikram, Patna, through its Proprietor, Amit Kumar, Male, aged about 40 years, S/o Siyaram Singh, resident of Maner Telpa, P.S. Bikram, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
2. The Engineer in Chief, Minor Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Minor Water Resources Department, Government of Bihar, Patna.
4. The Superintending Engineer cum Technical Secretary, Minor Water Resources Department, Government of Bihar, Patna.
5. The Superintending Engineer, Minor Irrigation Circle, Gaya, Bihar.
6. The Executive Engineer, Minor Irrigation Division, Jehanabad, District Jehanabad, Bihar.
7. M/s. Hariom Services, Lakhibagh, Manpur, P.S. Muffasil, District Gaya, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Adv.
For the Respondent/s	:	Mr.Advocate General
		Mr. Vikash Kumar, Adv.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 13-02-2025

Heard Mr. Prabhat Ranjan, the learned
Advocate for the petitioner and Mr. Vikash Kumar, the
learned Advocate for the State.

2. The petitioner came up before this Court



aggrieved by the decision of the respondents in allotting the work concerned to respondent no. 7/M/s Hariom Services, Lakhibag, Manpur, P.S. Muffasil, District – Gaya.

3. The work related to renovation of Pokhma Payne Irrigation Scheme.

4. The contention of the petitioner is that the complaint made against the petitioner by respondent no. 7 regarding his not fulfilling the technical conditions, was accepted whereas the complaint lodged by the petitioner against respondent no. 7 was brushed aside lightly. It was alleged that the Technical Bid Evaluation Committee on 09.02.2024 had found the petitioner's bid to be technically unresponsive. It was only thereafter complaints and counter complaints were made by the parties and by others as well. It was ultimately found that the petitioner's bid did not qualify the tender conditions especially with respect to the documents concerning equipments relating to dozer machines as the documents



furnished were not found to be in consonance with the requirement of Clause- 2.1 of Clause -22 of the notice inviting tender.

5. The grievance of the petitioner is that the whole process was speeded up for helping and allotting work to respondent no. 7, who too had offered deficient tender papers.

6. Nonetheless, we have found from the supplementary affidavit filed on behalf of the State that 98% of the work has already been completed, which statement has been made after its confirmation by the Chief Engineer of the project.

7. The complaint of the petitioner was but sent for an internal vigilance inquiry and a three member committee appears to have been constituted to look into the allegation against the Technical Bid Evaluation Committee and the other authorities of the State, in not observing the rules of tender and thus not acting fairly in concluding contract with private parties, to the



disadvantage of many including the petitioner.

8. Mr. Prabhat Ranjan has also informed this Court that the inquiry has ended and the report perhaps indicates that necessary safeguards while awarding contract was not followed by the authorities.

9. However, considering the fact that 98% of work has already been finished by now, we do not wish to interfere or pass any order in this writ petition, except for observing that in case the vigilance report is tabled before the concerned authority, it must be taken into account and necessary corrective measures be adopted for future contracts.

10. The writ petition stands disposed of.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

sunilkumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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